



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2002-16**

May 21, 2002

Robert D. Neilson  
20 Birch Dr.  
Newmarket, NH 03857

RE: DES Wetlands File #2001-00360 Stonewall Road, Alton

Dear Mr. Neilson

On April 4, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 3 as Lot 5 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- The property has a perennial stream running from the northwest to the southeastern part of the property. In the process of preparing to construct a new house on the property, two crossings have been built over the stream.
2. The first crossing, to the northwest, has a 24" culvert, with a crossing that measures approximately 50' x 20' through the wetland.
  3. The second crossing, to the southeast, has approximately 120' x 20' of wetlands impact with a culvert at the north end of the crossing.

In response, you are requested to take the following actions:

Retain a qualified wetland scientist to submit a restoration plan to DES for review and approval within 30 days of receipt of this Letter of Deficiency. Include provisions for removing one of the crossings. With the restoration plan, please submit an after the fact application for the crossing you intend to use as your permanent access to your building site. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing

during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Vicki Chase  
Compliance Inspector  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Vicki Chase at (603) 271-4062.

Sincerely,

**COPY**  
Marv Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL 7001 1940 0002 4869 5673

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Mark Harbaugh, DES Enforcement Attorney  
Alton Conservation Commission  
Alton Board of Selectmen  
David Killoy, USACOE